



IFW

Docket No. SPSUP0100WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant: Sergey I. Chernysh et al.
Serial No: 10/585,715
Filed: July 11, 2006
For: **ANTITUMORAL AND ANTIVIRAL PEPTIDES**
Art Unit: Not Yet Assigned
Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, pending applications, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed, except for (a) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120, and (b) copies of each cited U.S. patent and each U.S. patent application publication in accordance with the waiver of the requirement under 37 CFR 1.98(a)(2)(i) for submission of U.S. patent references in applications filed after June 30, 2003, as published in the Official Gazette Notice dated 5 August, 2003.

Serial No.: _____
Filing Date: _____

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) ____ A copy of each English language version of a search report (or EPO Search Report) indicating the degree of relevance found by the foreign office of each document being submitted from the search report, is being submitted herewith or has previously been submitted.
- (b) ____ Attached is a "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) ____ Within 3 months of the filing date or date of entry into the National Stage.
- (b) X Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988 for consideration of this Statement.
- (c) ____ Before the mailing date of a first Office Action on the merits after a first or second submission after final rejection under 37 C.F.R. 1.129(a).

(d) ____ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.

(1) ____ The required certification is given below, or

(2) ____ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or

(3) ____ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988

(e) ____ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.

(1) ____ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p), or

(2) ____ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988.

4. Certification (if applicable)

(a) ____ The undersigned hereby certifies that each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.

(b) ____ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the undersigned's knowledge after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

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CERTIFICATE OF MAILING OR ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is X being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address above.

____ being transmitted via the USPTO Electronic Filing System.

Denise G. Bachtel
Denise G. Bachtel

October 24, 2006
Date

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|---|---|------------|
| Form PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | Atty Docket No. | Serial No. |
| | SPSUP0100WOUS | 10/585,715 |
| | Applicant: Sergey I. Chernysh et al. | |
| Filing Date | Group | |
| 07/11/2006 | Not Yet Assigned | |

U.S. PATENT DOCUMENTS

| Examiner Initial | Document Number | Date (MM/YYYY) | Name | Class | Sub-class | Filing Date if Appropriate |
|------------------|-----------------|----------------|------------------|-------|-----------|----------------------------|
| | 5,231,081 | 07/1993 | Stiefel et al. | 514 | 6 | |
| | 5,773,572 | 06/1998 | Fishleigh et al. | 530 | 324 | |

FOREIGN PATENT DOCUMENTS

| Examiner Initial | Document Number | Date | Country | Class | Sub-class | Translation | |
|------------------|-----------------|--------------|---------|-------|-----------|-------------|----|
| | | | | | | Yes | No |
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| | 0 668 350 B1 | 28.07.2004 | EP | | | | |
| | 197 41 607 A 1 | 1999-03-25 | DE | | | Abstract | |
| | 2 172 322 C1 | 2001-08-20 | RU | | | Abstract | |

OTHER ART

| Examiner Initial | Author, Title, Date, Pertinent Pages, etc. |
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| | Zee et al., J. Clin. Oncol., 1998, 16, 8, Pages 2834-2839. |
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| | S.K. Narula, R. Cofman, eds., New Cytokines as Potential Drugs, Birkhauser Verlag, Basel, 2000, Pages 68-69 and 89-90. |
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| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Information Disclosure Statement PTO-1449 (Modified)

The identification of any reference is not intended to be, and should not be understood as being, an admission that such publication, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given reference may have a later effective date than first seems apparent or the reference may have an effective date which can be antedated. The "prior art" status of any reference is a matter to be resolved during prosecution.